

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia

Division

2019 OCT -2 P 4:31

CLERK OF DISTRICT COURT
ALEXANDRIA, VIRGINIA

Robin Yolanda McMillan

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

DOE

George Davenport Fairfax County P.D.

Blake E. Vaught T.L. Hulse

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:19-CV-1269-LO/IDD
(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Robin Yolanda McMillan

7242 Fordson road #202

Alexandria and Fairfax County

Virginia 22306

703-867-9197

robiny.mcmillan@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Blake E. Vaught
Detective
2511 Parkers Lane
Alexandria Fairfax County
Virginia 22306
703-360-8400

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

T.L. Hulse
Detective
2511 Parkers Lane
Alexandria Fairfax County
Virginia 22306
703-360-8400

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

George Davenport
2nd Lt
2511 Parkers Lane
Alexandria Fairfax County
Virginia 22306
703-360-8400

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Fairfax County Police Dept.
12000 Government Center Pkwy
Fairfax Fairfax County
Virginia 22035
703-324-7329

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- ☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 USC 1983

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

III. Statement of Claim

1. November 9, 2017 I Plaintiff home was searched with an invented/defective search warrant. I Plaintiff was charged with Felony Distribution of crack cocaine by Vaught. I Plaintiff agreed to give officer Vaught tips for a death and other crimes that happened in the area, for exchange of relief from charge. Officer Vaught executed tips.
2. December 2016 at court hearing officer Vaught was on vacation. Next court date was set for July 11, 2017.
3. February 9, 2017 Officer Vaught text messaged I Plaintiff that I Plaintiff had to do a controlled drug buy. I plaintiff was scared and refused. Officer Vaught threatened me that I would get booted out of my home and my kids will go to CPS. Vaught then charged me a second charge of felony possession with intent to distribute marijuana on February 9, 2017.
4. May 16, 2017 Officer Vaught testified false statements by telephone to housing that I Plaintiff had 8 grams of crack cocaine, 1 lb. of marijuana, drug paraphernalia and a scale seized from residence. Also Vaught falsely stated to housing that I Plaintiff admitted to selling drugs.
5. July 11, 2017 I plaintiff pleaded Not Guilty. Trial was set for September 12, 2017. Officers were upset. July 11, 2017 that evening around 9pm, I plaintiff car was parked at daughters home up the street at 7177 Richmond hwy. Alexandria, Virginia 22306. Unknown Officers searched I plaintiff car for drugs. No drugs were found.
6. Trial was rescheduled from September 12, 2017 to October 3, 2017, because Officer Vaught was on vacation again, how many continuances and vacation is legal?
7. October 3, 2017 Officer T.L. Hulse made false testimonies under oath at I Plaintiff trial that marijuana, digital scale and crack cocaine were found in I Plaintiff jacket at my residence. I can't believe common wealth and my lawyer didn't catch the false information. I was found guilty of lesser charges by jury, I wasn't aware of lesser charges. There was no evidence of Distribution. All these false statements and testimonies that Vaught and Hulse told against I plaintiff under oath were violation of my rights and perjury. This caused damages of my livelihood and separated me from my children for near 200 days.
8. October 4, 2017 I plaintiff immediately contacted Internal Affairs division online. I got a call back from 2nd Lt. George Davenport. I told him how his Officers sabotaged and manipulated my life. 2nd Lt. Davenport told me I was mad that I lost. I feel that Davenport played a damaging roll to this case because he could've did investigation of my complaint. I never heard back from Davenport anymore. I served almost 200 days of horrible treatment of incarceration at the Fairfax County Jail, from October 6, 2017 to April 23, 2018.
9. September 2019 I've found shocking new information after requesting copies of the warrant application from my lawyers' office. It's more false statements from Hulse and Vaught.

I feel that Fairfax County Police Department should hold some accountability for their officers' actions and conduct. I also hold the County Liable for damages.

IV. Relief

I hereby ask the court to order punitive damages in this case where defendant's willful acts are excessive and violating of my rights. Defendants committed these acts with conscious disregard for the rights of Robin McMillan and children for the purpose. Plaintiffs took these steps to discredit my family after I refused to become an informant for Fairfax county police. As a result of the ongoing intimidation; I am pleading with the court to give my family relief of excessive harassment being imposed by Fairfax County Police. Against myself and family; to include minor children. I feel that the ongoing harassment and intent to intimidate myself and children is the result of the officer's misconduct making false statements in court under oath. The impact these statements caused was Loss of housing through Fairfax County Department of housing, after the loss of housing my transportation only means of transportation to work, doctors' appointments and children's after school activities. After this situation I have lost employment, loss of employment caused the loss of my vehicle, further loss of funds prevented me from paying my storage for furnishing and all household and personal belongings. My credit rating suffered preventing me from gainful employment. I plaintiff credit went bad. Lost time off job, lost home, property was in storage and now I was forced to ask family to rent and provide a rental truck and have several different family members and friends to keep my belongings in their homes. Now they are complaining of their loss of 'space in their homes all these stems from the defendants' deliberate action to retaliate against I Plaintiff not agreeing to become an informant. Kids were embarrassed by peers and suffering mentally from the separation of their mother. I plaintiff have slept in cars while children slept on the floors and couches of different family members home. I plaintiff 6 year old son was sexually assaulted due to mothers absence and this was damaging and embarrassing to I plaintiff self and children. Defendants' conduct was despicable and so reckless that I would be looked down upon by ordinary decent people, and was carried on by Defendants with willful and conscious disregard for the safety of McMillan and family, entitling her to exemplary damages. Also seeking all attorney fees.

\$649,000 home in Fairfax County

\$24,640 lost wages/monthly rent \$12,000 to date since March 12, 2019

\$22,000 vehicle use for family transportation, schools, doctors, sports activity

\$10,400 storage accumulated to date/ court cost \$3,000/ transcript \$525.00

\$1,000,000 pain and suffering psychological emotional pain and distress of family to include 6 minor children and mother who is single head of household.

\$15,000 Attorney fees accumulated to date/ \$199,000 for 199 days incarcerated

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: October 2, 2019

Signature of Plaintiff

Printed Name of Plaintiff

Robin McMillan
Robin McMillan

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria DIVISION

Robin Yolanda McMillan

Plaintiff(s),

v.

Civil Action Number: 1:19-cv-1269 LO/IDD

Blake E. Vaught/George Davenport/
T.L. Hulse/Fairfax County Police Dept. DOE

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Complaint for a civil case
(Title of Document)

Robin Yolanda McMillan
Name of *Pro Se* Party (Print or Type)

Robin McMillan
Signature of *Pro Se* Party

Executed on: 10-2-2019 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

(Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: _____ (Date)